

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

CODY NICKISHER,

Plaintiff,

v.

MSK MANAGEMENT, LLC, et al.,

Defendants.

CIVIL ACTION NO. 3:21-CV-02116

(MEHALCHICK, M.J.)

ORDER

On December 17, 2021, the Court received a Complaint filed by Plaintiff Cody Nickisher (“Nickisher”) alleging that Defendants MSK Management and Domino’s Pizza (collectively, “Defendants”) discriminated against him based on his sexual orientation. ([Doc. 1, at 3-5](#)). The Complaint alleges that, while employed at Domino’s Pizza, Nickisher filed various reports against his co-workers detailing violations such as driving while under the influence of alcohol and sexual harassment of minors. ([Doc. 1, at 3-5](#)). Nickisher states that in response to his reports his co-workers began to discriminate against him based on his sexual orientation and that he was eventually fired due to the fact that he “made people feel uncomfortable” and that people “didn’t want to work with him.” ([Doc. 1, at 5](#)). Nickisher alleges claims for discrimination and harassment based on sex; hostile work environment; negligent training, hiring and supervision/retention; retaliation; and violation of the Pennsylvania Human Relations Act. ([Doc. 1, at 6-10](#)). Nickisher currently resides in Northampton, Pennsylvania. ([Doc. 1, at 1](#)). Defendant MSK Management’s principal place of business is located in East Orange, New Jersey. ([Doc. 1, at 1](#)). Defendant Domino’s Pizza’s principal place of business is located in Northampton, Pennsylvania. ([Doc. 1, at 1-2](#)). The

events described in the Complaint occurred at the Domino's Pizza store in Northampton, Pennsylvania where Nickisher was employed. (Doc. 1, at 2-5). Additionally, Nickisher provides facts in an attempt establish jurisdiction and venue in the United States District Court for the Eastern District of Pennsylvania. (Doc. 1, at 1-2).

Northampton is part of Northampton County, which is located within the Eastern District of Pennsylvania. 28 U.S.C. § 118(a). East Orange is part of Essex County, which is located within the District of New Jersey. 28 U.S.C. § 110. As such, none of the events or parties described in the Complaint appear to have any connection to this federal judicial district, the Middle District of Pennsylvania.

Based upon the Court's review of the facts alleged in the Complaint, it is clear that "a substantial part of the events or omissions giving rise to the [Plaintiff's] claim[s] occurred" within the Eastern District of Pennsylvania. See 28 U.S.C. § 1391(b)(2). Therefore, it is in the interest of justice to transfer this Complaint to the United States District Court for the Eastern District of Pennsylvania. See 28 U.S.C. § 1406(a).

Based on the foregoing, it is **ORDERED** that this case be transferred to the United States District Court for the Eastern District of Pennsylvania for further proceedings.

BY THE COURT:

Dated: December 20, 2021

s/ Karoline Mehalchick

KAROLINE MEHALCHICK
Chief United States Magistrate Judge

